

Appeal Decision

Hearing held on 7 June 2016 and 27 July 2016

Site visit made on 27 July 2016

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2016

Appeal Ref: APP/C3240/W/16/3143217

Land South of the Priory, Dawley Road, Lawley, Telford, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rorem Financial Ltd against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2015/0352, dated 28 April 2015, was refused by notice dated 29 July 2015.
 - The development proposed is outline application for the erection of 31 no dwellings with associated access.
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Decision

1. This appeal is dismissed.

Procedural matters

2. There are a number of differences between the planning application and the appeal documentation. At the start of the Hearing the appellant confirmed that the correct name for the appellant was Rorem Financial Ltd; the site address did not need to include the grid reference and the address and description of development used by the Council on their decision notice and by the appellant on their appeal form should be used for the purposes of the appeal. I have amended the banner heading accordingly.
3. The application was made in outline with all detailed matters other than access reserved for future consideration. An indicative layout was submitted with the planning application, this plan was for illustrative purposes only and I have determined the appeal on this basis.
4. The Hearing sat for two days. I had an accompanied site visit on 27 July 2016 and I also undertook two unaccompanied site visits on the 6 June 2016 and 26 July 2016.

Main Issues

5. The main issues are:
 - whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework); and
 - whether the proposal would result in the loss of a locally important open space and the effect that this would have on the character and appearance of the area.
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Reasons

Housing Land Supply and Policy Background

6. The development plan for the area consists of the saved policies of the Wrekin Local Plan 1995-2006 (2000) (the Local Plan) and the Core Strategy Development Plan Document (2007) (the Core Strategy). The Council is in the process of producing a new Local Plan (the eLP) but given that it is at an early stage in its development and has not yet been the subject of an examination it can be afforded very limited weight.
7. The Framework¹ seeks to boost significantly the supply of housing. It identifies that Councils must identify and update annually a supply of specific deliverable sites sufficient to provide a 5 year supply of land for housing. The council states that it has a 5 year supply of housing land for this area and I am satisfied on the basis of what I have read and heard that a five year supply exists.
8. Whilst the Council therefore consider that paragraph 14 of the Framework is not engaged the appellant disagrees and advocates that there are other reasons why policies within a development plan can be considered out of date including as a matter of fact (when they are time expired) or when they are not consistent with the Framework.
9. The policies relevant to the determination of this appeal are H9 and OL6 of the Local Plan and CS 1, CS 3, CS 7 and CS 11 of the Core Strategy.
10. Policy CS 1 sets out the number of new homes that need to be delivered over the plan period however the figures it contains are based on the housing requirement figures contained within the Regional Spatial Strategy for the West Midlands which was revoked in 2013 and not on any objective assessment of need (OAN) as required by the Framework². Consequently, policy CS 1 is out of date and can only be afforded very limited weight.
11. Policy CS 3 advocates that Telford will be the focus for accommodating the majority of new homes. Policy CS 7 states that development within rural areas will be focused in three settlements and outside of these settlements will be limited and within the open countryside strictly controlled. Policy H9 lists 13 villages where new residential development would be permitted. Outside of these villages the policy advocates that proposals would be refused except in exceptional circumstances. Lawley is not listed in either policy CS 7 or H9.
12. The appellant considers these policies to be out of date for two reasons. Firstly they form part of the Council's strategic approach to the distribution and location of housing which is predicated on the need to deliver levels of housing which are now out of date. Secondly they seek to restrict development within the countryside based on a blanket approach to the protection of the countryside 'for its own sake'³ rather than the Framework's requirement to recognise the countryside's 'intrinsic character and beauty'⁴.
13. Although, I agree that the housing figures on which these policies are based are not up to date and that blanket protectionism of the countryside is not

¹ Paragraph 47 of the National Planning Policy Framework (2012)

² Paragraph 47 of the National Planning Policy Framework (2012)

³ Paragraph 2.14 of Planning Policy Guidance Note 7 (1997)

⁴ Paragraph 17 of the National Planning Policy Framework (2012)

compliant with the Framework, a sequential approach to focusing new housing in existing urban areas, which is the aim of these policies, is consistent with the aims of sustainable development which the Framework promotes. As a result whilst these policies carry some weight, their weight is reduced.

14. Policy OL6 states that the Council will protect locally important incidental open land within or adjacent to a built up area where the land contributes to the character and amenity of the area, has a value as a recreational open space or importance as a natural habitat. This is reflected in policy CS 11 that seeks to protect both formal and informal areas of open space. The Framework⁵ advocates that the closer the policies in a plan are to the policies in the Framework, the greater the weight that they may be given. As I consider that both these policies reflect the Framework I therefore afford them significant weight.

Whether the proposal would result in the loss of a locally important open space and the effect that this would have on the character and appearance of the area

15. All parties agreed that the proposal would affect the character and appearance of the area by virtue of introducing housing and its related infrastructure into what is effectively a greenfield site. However, it is the harm that would result from this change and the effect that this would have on the character and appearance of the area that needs to be assessed.
16. The Council confirmed at the Hearing that the site has no specific landscape designation or protection in adopted planning policy terms. However, they advocated, and I agree, that a lack of formal designation or protection does not necessarily mean that the site's landscape is without worth or value.
17. From my site visit I observed that the site has a pleasant rural aspect. However, due to its location adjacent to Lawley village, there is housing to the east and south and the Church and its associated buildings are located to the north. To a large extent therefore, the site's value appears to stem from the fact that it is open and undeveloped and provides a rural outlook from the village. From the evidence given at the Hearing its open and undeveloped nature is clearly appreciated and valued by those who live in and around the area and particularly those who use the public footpath, part of the Wrekin Trundle, which runs along the northern boundary of the site. However, I agree with the appellant that this does not amount to a valued landscape for the purposes of the Framework⁶.
18. Travelling along the Dawley Road, with the exception of the Church, development ceases on this side of the road at the junction with Church Hill and therefore in my opinion the appeal site appears to lie outside rather than within the village.
19. The appellant has commissioned a Landscape and Visual Impact Assessment (LVIA) which considered that the impact would be negligible as it takes the view that due to the topography and mature vegetation long distance views of the site are very limited and it would be the occupiers of Green Gables and the new development on the opposite side of Dawley road along with users of the Wrekin Trundle who would be most impacted by the proposed change.

⁵ Paragraph 215 of the National Planning Policy Framework (2012)

⁶ Paragraph 109 of the National Planning Policy Framework (2012)

20. Having walked around the area, along the footpath and visited the viewpoints identified in the LVIA, I can appreciate that the views of the proposed development would be restricted in the wider landscape by the intervening vegetation, buildings and topography. Although only illustrative the proposed layout shows housing would be located along the Dawley Road frontage and in close proximity to the boundary with Church Hill. This would result in the urbanisation of this section of the road and the extension of the built form of Lawley further out into open countryside and as a consequence would markedly change the character of the site and the local area.
21. Furthermore, I consider that Dawley Road provides a strong visual barrier that delineates the edge of the village. Given the sites location on the opposite side of the road and outside of the village envelope I disagree that any development of this site would associate strongly with the existing recent development nearby and consider that it would appear out of character with this edge of the village and as a consequence would be harmful to the character and appearance of this section of the countryside.
22. At the Hearing local residents advocated that the site provides recreational open space having been used over time by local residents, children and dog walkers. However, I recognise that the site is in private ownership and that whilst such a use may have occurred it would have been on an informal basis. As a consequence I do not consider that the site has a value as a recreational open space.
23. I observed at my site visit that due to the untended nature of the site it is currently unmanaged grassland which provides a home to a variety of wildlife. However, on the basis of the evidence submitted I do not consider that it constitutes an important natural habitat.
24. Therefore although I accept that the site does not have a value as a recreational open space or importance as a natural habitat it does contribute positively to the character and appearance of the area. As a consequence I consider that the proposal would be contrary to policy OL6 of the Local Plan and CS 11 of the Core Strategy. Furthermore it would be contrary to paragraphs 17 and 58 of the Framework in that it would be harmful to the intrinsic beauty of this part of the countryside and would not appropriately respond to local character.

Location and facilities

25. The Framework sets out a presumption in favour of sustainable development. Paragraphs 7 and 8 make it clear that there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation as they are mutually dependent.
26. It was clear from the evidence given at the Hearing that the village of Lawley benefits from a healthy and vibrant local community which has access to a good range of facilities including health, education, leisure and retail facilities albeit that these are primarily located within the new Lawley village extension some distance from the site. Although there is a bus stop immediately adjacent to the site entrance this is no longer in use. However, the nearest bus stop is only a short walk away which provides a direct regular service for village residents to Telford Town centre. As outlined at the Hearing in the short term the proposal would deliver a number of construction jobs and local

investment. In the longer term the 31 new dwellings would create 31 more households utilising these local business and services and providing an increased local workforce which would assist in the availability of local labour. As a consequence the proposal would contribute to building a strong, responsive and competitive economy (the economic role).

27. The scheme would provide a mix of housing of a variety of different types and tenures including affordable housing, in an area where there is an acknowledged local need. Off-site highways works, which whilst directly related to the development, would also bring wider benefits to existing village residents by improving pedestrian access to the Wrekin Trundle and introducing traffic calming measures on a road where there are acknowledged local concerns. Consequently, given the Frameworks aim to maintain or enhance the vitality of rural communities⁷ I consider that the scheme would contribute to meeting the needs of present and future generations (the social role).
28. However, for the reasons I have previously outlined there would be harm to the environment. The proposal would affect the character and appearance of the site by introducing suburban type development into what is effectively a greenfield site. This would have the effect of spreading the village further north and as a result urbanising this area of countryside. As a consequence this would adversely affect users of the adjoining Wrekin Trundle and those people travelling and living along Church Hill and Dawley Road.
29. As a result I consider that overall these harms to the environment are such that they significantly and demonstrably outweigh the benefits of the development and consequently the proposal would not represent sustainable development as advocated by the Framework.

Other matters

30. The Council raised a concern that in allowing planning permission for this site that it would set a precedent for the potential future development of adjoining land. However, I disagree as the Planning Act requires development to be considered against the development plan and any other material considerations and as a result each application for planning permission would have to be treated on its own merits and each site will have its own site specific characteristics.

Planning Balance and Conclusion

31. I consider that due to its location the site is a locally important piece of open land as due to its openness and rural appearance it contributes positively to the character and appearance of this part of the Dawley Road. The proposal would adversely affect the character and appearance of the site and the wider area and as a consequence would not constitute sustainable development. As a result the proposal would be contrary to policy OL6 of the Local Plan, policy CS 11 of the Core Strategy and the Framework which recognises the intrinsic character of the countryside and requires development to add to the overall quality of an area and respond to local character.
32. Although the Framework advocates the need to boost significantly the supply of housing I consider that the Council can deliver the housing it needs and that

⁷ Paragraph 55 of the National Planning Policy Framework (2012)

the additional benefit that the housing that this scheme would deliver would be outweighed by the harm that I have outlined above.

33. Therefore, overall I conclude that these adverse impacts would significantly and demonstrably outweigh the benefits that would be delivered by the scheme when assessed against the development plan policies and the Framework.
34. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Ferguson DipTP MIQ	Parkhill Estates Ltd
Stephen Laws BA (Hons) Dip L.A. CMLI	PDP Associates

FOR THE LOCAL PLANNING AUTHORITY

Darren Oakley BA (Hons) MA MRTPI	Telford and Wrekin Council
Kate Stephens B.Sc (Hons) M Town Planning	Telford and Wrekin Council

INTERESTED PARTIES

Cllr Darren Blackburn	Lawley and Overdale Parish Council
Mr Kenneth Beevor	Local resident
Ms Hazel Bexon	Local resident
Cllr Jayne Greenway	Ward Councillor for Horsehay and Lightmoor
Ms Karen Lane	Local resident
Ms Susan Ross	Local resident
Mr Clifford Ross	Local resident
Ms Annabella Russon	Local resident
Mr John Russon	Local resident
Cllr Jacqui Seymour	Ward Councillor for Wrockwardine

DOCUMENTS SUBMITTED DURING THE HEARING

Document 1	Telford and Wrekin Five Year Housing Land Supply Statement 2015-2020 at April 2015 (Published October 2015)
Document 2	Telford and Wrekin Objectively Assessed Housing Need Final report by Peter Brett Associates (March 2015)
Document 3	Telford and Wrekin Housing Land Supply Statement 2016-2021 (June 2016)
Document 4	Traffic survey results for Dawley Road January 2016
Document 5	Map showing location of local facilities in relation to the site
Document 6	Copy of the bus timetable for route number 11 and map of route
Document 7	Map showing the phases of the Lawley Sustainable Urban Extension

- Document 8** Copy of signed and dated Section 106 agreement and covering email
- Document 9** Written copy of Councillor Jacqui Seymour's oral evidence to the Hearing